

Examiner in analyzing claims 18-25, the housing referred to in the claims is element 77, Figure 4d; the microchip is element 85; the holder is cartridge 70; the interface element is element 73; the supply unit in the holder bears reference numeral 56 and is mentioned on page 13, line 14 as being in the cartridge.

In response to the comment in the Office Action that there is no support in the specification for the requirement of claim 18 for the cooperating structures of the interface element to be rotatively locked to the holder, applicants call the Examiner's attention to bayonet lock 74, 75, Figures 4a and 4c, and the description thereof on page 13, line 29-page 14, line 5. While the specification does not specifically indicate the bayonet lock rotates, it is applicants' position that one of ordinary skill in the art would realize, upon inspection of Figures 4a and 4c and the description thereof on page 13, line 29-page 14, line 5, that the only way the bayonet lock comprising elements 74 and 75 can function as a lock would be because element 74 rotates relative to element 75. One of ordinary skill in the art would easily understand that such rotation would cause the radially extending flanges on element 74 to be held in place on the mating radially extending flanges of element 75.

In response to the allegation in the Office Action that there is no support for the requirement of claim 19 for a support for cooperating structures for enabling the holder to

lock into and be released and removed from the housing, applicants note page 14, lines 10-16 and Figure 4d provide a disclosure of the cooperating structures.

Concerning the comment in the Office Action that there is no support in the application as filed for the requirement of claim 20 for the interface element and the holder to have structures for enabling the interface element to be releasably connectable to the holder so that the interface element can be selectively secured to and removed from the holder, applicants again note the inclusion of the bayonet lock including elements 74 and 75 and the description thereof on page 13, line 29-page 14, line 5.

The Office Action appears to have misstated the requirements of claim 21 by saying there is no support for the cooperating structures for enabling the housing to lock into and be released from the holder. In fact, claim 21 says there are cooperating structures for enabling the holder to lock into and be released and removed from the housing. In any event, page 14, lines 10-16 and Figure 4d provide support for the foregoing structure of claim 21.

In response to the allegation in the Office Action that there is no support for the requirement of claim 22 for the interface element and holder to have structures for enabling the interface element to be releasably connected to the holder and housing, applicants again refer to the bayonet lock comprising element 74 and 75, and the description thereof on

page 13, line 29-page 14, line 5.

With regard to the allegations in the Office Action concerning claims 23 and 24 that "there is no support for a system or device having plural microchips with different microfluidic configurations to be interchangeably used," page 6, lines 12, 13, 18 and 20 indicates the purpose of the invention is to deal with microchips having different layouts. In addition, page 3, lines 15 and 34, refers to interchangeable chips and different microchips, respectively. As a result, one of ordinary skill in the art would understand that the invention is concerned with plural microchips with different microfluidic configurations. Consequently, there is a basis in the application as filed for the foregoing requirements of claims 23 and 24.

The Examiner is reminded that under United States practice it is not necessary for the exact language employed in the claims to be used in the specification. A patent application disclosing a device that inherently performs a function, or property, or operation according to a theory or has an advantage need not, as filed, recite the function, theory or advantage. *In re Reynolds*, 443 F.2d 384, 170 USPQ 94 (CCPA 1971); Manual of Patent Examining Procedure, Section 2163.07(a). Possession of the claimed invention by an applicant is obtained by using such descriptive words, figures or diagrams. *Lockwood v. American Airlines, Inc.*, 107 F.3d 1565, 1572, 41 USPQ2d 1961, 1966 (Federal Circuit 1997);

Manual of Patent Examining Procedure, Section 2163. The drawings alone of an application may provide a "written description" of the invention as required by Section 112. *In re Wolfensperger*, 302 F.2d 950, 133 USPQ 537 (CCPA 1962);

Manual of Patent Examining Procedure, Section 2163. Based on the foregoing law and the specific disclosures in the application, as discussed above, there is an adequate written description of the subject matter of claims 18-24.

The rejection of claims 1-12 and 14 under 35 USC 102(f), is avoided by applicants' relying on their German priority date of March 22, 1999, which is prior to the United States filing date of United States application Serial Number 09/595,420. Attorney for applicants is in the process of obtaining a certified translation of the German application relied on for priority and will forward the certified translation to the United States Patent and Trademark Office immediately upon receipt thereof. Attorney for applicants believes the present United States application as filed is a substantially accurate English language translation of the German application relied on for priority. Attorney for applicants is also under the impression that the claims now extant in the present application distinguish patentably over the claims of the '420 application.

In view of the foregoing remarks, favorable reconsideration and allowance are respectfully requested and deemed in order.

Docket No.: 4481-021

PATENT

.6

To the extent necessary, a petition for an extension of time under 37 C.F.R. is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

LOWE HAUPTMAN GILMAN & BERNER, LLP



Allan M. Lowe
Registration No. 19,641

Date: March 26, 2003

1700 Diagonal Road, Suite 310
Alexandria, Virginia 22314
Telephone: (703) 684-1111
Facsimile: (703) 518-5499
AML:lch